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9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 UNITED STATES OF AMERICA,	)	No.: CR 05-00632 MHP
	)	
13 Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER EXCLUDING TIME FROM
14 v.	)	<u>SPEEDY TRIAL CALCULATION</u>
	)	
15 QING ZHOU,	)	
	)	
16 Defendant.	)	
	)	
	)	
	)	

18  
19 With the agreement of the parties, the Court enters this Order excluding the time period  
20 from October 31, 2005 through December 5, 2005 under the Speedy Trial Act, 18 U.S.C. § 3161.

21 The parties agree, and the Court finds and holds, as follows:

22 1. On October 31, 2005, the parties appeared before the Court for a trial  
23 setting in this matter. The Court set a status hearing date of December 5, 2005 at 10:00 a.m. and,  
24 with the stipulation of all parties, excluded the intervening time period from the Speedy Trial Act  
25 calculation. This written stipulation memorializes the Court's verbal order excluding said time  
26 period.

27 2. As ordered by the Court on October 31, 2005, an exclusion of the time period  
28 from October 31, 2005, through December 5, 2005 is appropriate because of the Defendants'

1 need to obtain and review discovery from the government. Some of this discovery was relevant  
 2 to an anticipated material witness deposition. In total, the United States provided counsel with  
 3 approximately 500 pages of discovery in this case. Given the need for additional time to review  
 4 discovery, the parties stipulated that the failure to grant the requested continuance would  
 5 unreasonably deny the Defendants effective preparation of counsel taking into account the  
 6 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties further stipulate that  
 7 the ends of justice would be served by the Court excluding the proposed time period, and that  
 8 these ends outweighed the best interest of the public and the Defendants in a speedy trial. See id.  
 9 § 3161(h)(8)(A), (B)(iv).

10 SO STIPULATED.

11  
 12 DATED: \_\_December 11, 2005\_\_ /S/ ED SWANSON\_\_\_\_\_  
 13 ED SWANSON  
 14 Attorney for Defendant Qing Zhou

15 DATED: \_\_December 5, 2005\_\_ /S/ EDWARD TORPOCO\_\_\_\_\_  
 16 EDWARD TORPOCO  
 17 Assistant United States Attorney

18 In light of the foregoing facts, and with the consent of the Defendant, the Court hereby  
 19 orders that the period from October 31, 2005, through December 5, 2005, shall be excluded from  
 20 the Speedy Trial Act calculation under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22  
 23 DATED: 12/14/2005

24 HON. MARILYN HALL PATTEL\_\_\_\_\_  
 25 United States District Judge

